

REMARKS/ARGUMENTS

The amendments set forth above and the following remarks are responsive to the points raised by the Office Action dated September 8, 2008, supplemental to the Response filed December 8, 2008, and discussed during the interview with Examiners Ross and Battula on January 8, 2009. In view of the amendments set forth above and the following remarks, reconsideration is respectfully requested.

As an initial point, the Applicant's representative greatly appreciates the courtesy shown her by Examiners Ross and Battula, and further appreciates their careful consideration of the arguments presented during the interview.

The Pending Claims

Claims 4-5, 7-12, and 14 are cancelled, and claims 15-19 are added, so that claims 1-3, 6, and 15-19 are pending. Claim 1 is amended and claims 15-19 are added to describe the invention more clearly. Claim 13 is amended to depend from claim 1. No new matter is added, and the basis for the amended claim language may be found within the specification, claims, and drawings. Amended claim 1 is supported at, for example, Figures 1-3 and original claim 4. New claims 15-19 are supported at, for example, page 1, lines 13-21 and 25-28 and page 2, lines 7-22 and 27-32.

Obviousness Rejection

Claims 1-13 were rejected under 35 U.S.C. § 103 as unpatentable over DE 200707028 to Herlitz (hereinafter, "Herlitz") in view of FR 2,792,573 to Gallot (hereinafter, "Gallot").

This rejection is separately and respectfully traversed.

Amended independent claim 1 and new claims 15-19 are patentable over Herlitz and Gallot for the reasons set forth in the Response filed December 8, 2008, in addition to the reasons explained below.

A *prima facie* case of obviousness requires that the cited combination of references teaches or suggests each and every element of the claims. The obviousness rejection of amended independent claim 1 cannot be maintained because the cited combination of

references does not teach or suggest each and every element of amended independent claim 1.

Firstly, as discussed in the interview, Gallot fails to teach or suggest a document filing folder comprising first, second, and third flaps, wherein the third flap extends along an *entire* lateral edge of the first sheet, as claimed in amended claim 1. As shown in the Figures of Gallot, it is clear that the flap 10 does not extend across the entire lateral edge of the sheet 1. The Applicant asserts that nowhere in the text of Gallot is it stated that the flap 10 can extend along the entire lateral edge of the sheet. Gallot states that the first flap 10 includes a main flap 12 which can hold a stack of documents and a second and separate part 13 which marks a certain portion within the filed documents D. Therefore, the flap 10 constituted by the main part 12 cannot extend along the entire lateral edge of the sheet 1 as claimed in amended claim 1.

Having a third flap that extends along the entire lateral edge of the first sheet, as claimed in amended claim 1, advantageously keeps the entire edge of the notebook pages in storage underneath the flaps. Because Herlitz and Gallot, either alone or in combination, fail to teach or suggest a document filing folder comprising first, second, and third flaps, wherein the third flap extends along an *entire* lateral edge of the first sheet, as claimed in amended claim 1, the obviousness rejection cannot be maintained.

Secondly, as discussed in the interview, Gallot fails to teach or suggest a document filing folder comprising closing means including a rubber band attached to the first sheet, sliding relative to the first sheet through eyelets, and which can be placed over at least one corner of a second of the anterior sheet and the posterior sheet or which can be placed over the second sheet parallel to the binding, as claimed in claim 1. As discussed in the interview, the fastening system 4, 5 of Gallot is on the sheet opposite that with the flaps, while the claimed filing folder, in contrast, includes the closing means attached to the sheet *with* the flaps. Including the closing means on the same sheet as that with the flaps advantageously keeps the rubber band and the flaps on one side of the filing folder, making the manipulation of the flaps and the closing means, and thus the operation of the filing folder as a whole, easier and more efficient for the user. Thus, because Herlitz and Gallot, either alone or in combination, fail to teach or suggest a document filing folder comprising closing means

including a rubber band attached to the first sheet, sliding relative to the first sheet through eyelets, and which can be placed over at least one corner of a second of the anterior sheet and the posterior sheet or which can be placed over the second sheet parallel to the binding, as claimed in claim 1, the obviousness rejection cannot be maintained.

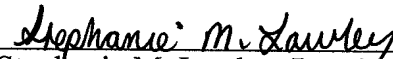
Because the independent claims are allowable for the reasons set forth above, the dependent claims are also allowable because they depend from patentable independent claims.

New claims 15-19 are also not obvious, not only for the reasons presented here, but also for the reasons presented in the Response filed December 8, 2008.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,


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Amendment or ROA - Regular (SML/mlg)